IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

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WRIT PETITION NO : 18296 of 2004

Between:

A.Sulochana, W/o.Krishnaiah,
R/o.Ballavolu Village, Chillakuru Mandal,
Nellore Dist.

..... PETITIONER

AND

1 The Inspector, Endowments Dept., Guduru, Nellore Dist.
2 The R.D.O., Guduru, Nellore Dist.
3 Sri Janardhana Swamy Temple, Ballavolu Village, Chillakuru Mandal, Nellore Dist.
4 The Asst.Commissioner of Endowments Dept., Nellore Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction, more particularly one in the nature of writ of Mandamus; i) declaring the action of the Respondent authorities in trying to evict the petitioner from the land in sy.No.291 on an extent of Ac.3-04 cents situated at Ballavolu village, Chillakuru Mandal, Nellore District, as arbitrary, illegal, violative of the articles 14, 21 and 300A of the Constitution of India and further direct the Respondent authorities not to evict the petitioner from the land in Sy.No.292, admeasuring Ac.3-12 cents situated at Ballavolu village, Chillakuru Mandal, Nellore Dist. and be pleased to pass.

Counsel for the Petitioner: MR.A.SUDERSHAN REDDY

Counsel for the Respondent No.1.2 and 4: GP FOR ENDOWMENTS

Counsel for the Respondent No.3 : Smt. N.Indrani.

The Court made the following :

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ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the 3rd respondent as well as learned Government Pleader appearing for the respondents 1, 2 and 4.

As can be seen from the material on record, the petitioner, who claims to be the cultivating tenant, is in occupation of an extent of Ac.3-04 cents of land situated in Sy.No.291 of Ballavolu Village, Chillakuru Mandal, Nellore District belonging to the 3rd respondent-Temple.

The contention raised by the petitioner is that being a landless poor person, she is entitled to the benefit of Section 82 (2) of the A.P. Charitable & Hindu Religious Institutions and Endowments Act, 1987 (for short, 'the Act') and therefore the 3rd respondent is not entitled either to dispossess her or to put the leasehold rights of the land in question to public auction.

Whether the petitioner is a landless poor person as defined under the Explanation to Section 82 (2) of the Act and whether she is entitled to the protection under the said provision is a matter for enquiry by the 4th respondent and cannot be gone into by this Court.

Accordingly, without expressing any opinion with regard to the claim of the petitioner, the writ petition is disposed of granting liberty to the petitioner to

make a claim before the 4th respondent-Assistant Commissioner of Endowments, Nellore, Nellore District, within a period of two weeks from today, in which event, the same shall be considered in accordance with law and appropriate orders be passed within a period of two weeks thereafter. Till such time, status quo obtaining as on today as to the nature and possession of the lands in question shall be maintained.

The Writ Petition is accordingly disposed of. No costs.

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08-11-2004

klp

To

1 The Inspector, Endowments Dept., Guduru, Nellore Dist.
2 The R.D.O., Guduru, Nellore Dist.
3 Sri Janardhana Swamy Temple, Ballavolu Village, Chillakuru Mandal, Nellore Dist.
4 The Asst.Commissioner of Endowments Dept., Nellore Dist.

5. 2CCs to G.P. for Endowments, High Court buildings,

Hyderabad.(OUT).

6. 2CD copies